IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5047 OF 2007

Balaram Gosavi Juikar & Ors... ....Petitioners.
V/s
Ramchandra Shankar Mhatre & Ors.. ....Respondents.

Ms.Gauri Godse, Adv. For the petitioners.

CORAM: A.P.DESHPANDE, J.
17/7/07

PC:

The present petitioners filed a suit contending that there is a lane which passes in between the houses of the petitioners and the respondents. It is then stated that the said lane has an outlet from which only rain water is to be drained. The grievance made in the suit is that the respondents are using the said outlet for the purpose of drainage of waste water from bathroom and latrine of the respondents. With these contentions suit came to be filed and in the said suit an application for temporary injunction was also filed. The trial Court has rejected the application and the First Appellate Court concurring with the view taken by the trial Court has rejected the miscellaneous civil appeal and aggrieved thereby the present writ petition has been filed. Suit has been filed in the year 2003 and for the last about four years there has been no temporary injunction order operating in favour of the present petitioners.

The impugned order does not call for any interference in exercise of writ jurisdiction as no patent illegality has been committed and on prima facie appreciation of the facts temporary injunction has been refused. In my view ends of justice would be met by directing expeditious disposal of the suit. Hence though writ petition is summarily dismissed I hope and trust that the trial Court would proceed to dispose of the suit as expeditiously as possible preferably with a period of six months from today.

17.7.07